

NE 36TH STREET INTERCHANGE PROJECT

UTILITY INSTALLATION AGREEMENT WITH COST REIMBURSEMENT

BETWEEN THE CITY OF ANKENY AND MIDAMERICAN ENERGY COMPANY

WHEREAS, the City of Ankeny, Iowa, hereinafter referred to as "City", and MidAmerican Energy Company, hereinafter referred to as "MidAmerican", and collectively hereinafter referred to as "the parties", desire to enter into an agreement to facilitate the construction of utility improvements as part of the NE 36th Street Interchange project; and

WHEREAS, the City of Ankeny has completed the design of the NE 36th Street Interchange Project (hereinafter referred to as the "Project") and is preparing to construct the interchange on Interstate 35; and

WHEREAS, there are existing utilities located within the NE 36th Street right-of-way. These existing utilities, which cross Interstate 35 along the south side of NE 36th Street, will need to be relocated and/or removed and replaced as part of the construction. According to the MidAmerican franchise agreement currently contained in the Ankeny Municipal Code, the costs associated with the relocation of the MidAmerican facilities within the right-of-way are the responsibility of MidAmerican; and

WHEREAS, MidAmerican agrees to pay their proportionate share of the costs associated with the installation of new conduits that will be constructed as part of the Project and will be reserved or utilized by MidAmerican upon project completion. The installation of the conduits include, but are not limited to, trenching, boring, placing conduits of the size specified by MidAmerican, backfilling, fittings, elbows, locator wiring, pull ropes, and surface restoration. The conduits shall be placed by two methods: 1) open trench; and 2) directional boring; and

WHEREAS, MidAmerican's proportionate share of the conduits, based on the diameter of all conduits planned for installation, shall be 30.8% of the total cost of all utility conduits placed as follows:

Conduit Owner	Conduits	Total Diameter (In.)	Percentage
City of Ankeny	Four 2" Dia. Conduits	8"	38.4%
Ankeny Comm. Schools	One 2" Dia. Conduit	2"	7.7%
MidAmerican Energy	One 4" Dia. Conduit and one 6" Dia. Conduit	10"	30.8%
Iowa Network Services	One 2" Dia. Conduit	2"	7.7%
Qwest	One 4" Dia. Conduit	4"	15.4%

FURTHERMORE, since the existing MidAmerican electric lines along NE 36th Street are overhead on wood poles, the City of Ankeny will finance the installation of the MidAmerican conduits for the portion of the project that is within the NE 36th Street (city) right-of-way. Thus, a summary of the cost sharing for the relocation of the MidAmerican facilities is as follows and as shown on the attached plan view:

Station	Length (Ft)	Joint Utility Trench	Location	Responsibility
0+00 to 0+80	80'	Type 1	City R/W	City
0+80 to 1+38	58'	Type 1	DOT R/W	MidAmerican
1+38 to 3+58	220'	Type 2	DOT R/W	MidAmerican
3+58 to 8+70	512'	Type 1	DOT R/W	MidAmerican
8+70 to 11+55	285'	Type 1	City R/W	City

NOW, THEREFORE, IT IS AGREED between the parties as follows:

1. Undertakings of the City. The City agrees to include for MidAmerican the installation of a 6" diameter conduit and a 4" diameter conduit as part of the NE 36th Street Interchange construction. Bidding documents will include unit prices for the conduit and associated improvements so that the portion of the project costs that will be paid by MidAmerican can be itemized.
2. Undertakings of MidAmerican. Based on the above proportionate share, MidAmerican agrees to reimburse the City for the actual cost of the two said conduits and associated improvements. Actual costs will be based on the project quantities and unit prices which are part of the interchange construction contract.
3. Mutual Agreements Regarding Cost. Should unforeseen costs or change orders to the project occur, the parties agree to mutually determine the need for such change orders, and the corresponding allocation of those costs.
4. Request for Reimbursement and Payment. A request for reimbursement will be made by the City after completion and acceptance of the conduits and associated improvements. The reimbursement request will include supporting documentation. MidAmerican agrees to make payment within 90 days of receipt of the request.

DATED at Ankeny, Iowa, this _____ day of _____, 2010.

APPROVED:

MIDAMERICAN ENERGY COMPANY

By



APPROVED:

CITY OF ANKENY, IOWA

By _____

Mayor

Attest:

City Clerk